

EXHIBIT 7

WATER IN BASEMENT CUSTOMER SERVICE PROGRAM PLAN

I. Introduction

The Water in Basement ("WIB") Customer Service Program is the rapid response and cleanup component of the Metropolitan Sewer District of Greater Cincinnati's ("MSD") WIB Program. The Customer Service Program is designed to clean up the immediate effects of the backup of wastewater from MSD's Sewer System (both the combined and sanitary portions) into buildings; except that the Customer Service Program is not intended to address WIBs caused by: A) overland flooding not emanating from MSD's Sewer System; or B) blockages in private laterals.

MSD intends to implement the Customer Service Program in a proactive, sensitive and customer-focused manner. The Customer Service Program will become effective on January 1, 2004.

II. Public Notification Regarding Customer Service Program

MSD will notify the public of its WIB Customer Service Program through the following means:

- by placing two advertisements each in the *Cincinnati Post* and the *Cincinnati Enquirer*, one within two weeks of the effective date of this Plan and one within three weeks of the effective date of this Plan;
- by highlighting the Program on its web site within two weeks of the effective date of this Plan;
- by issuing two press releases to local print and electronic media – one within five days of the effective date of this Plan and another 30 calendar days later;
- by sending a direct mailing to all of its current customers;
- by a direct mailing to new customers within 30 days of initiating service; and
- by including the MSD Call Center phone number with each sewer bill.

The information in these notices will describe the Program, provide the number to call for assistance and outline the information that the occupant will need to provide to the call taker. These notices will also include a brief description of the key components of the WIB Claims Process implemented in accordance with Section XIII and Exhibit 8 of the Consent Decree.

III. Call Center Operations

Occupants experiencing WIBs can request MSD service by calling the MSD Call Center at (513) 352-4900. The MSD Call Center will be staffed with actual personnel 24 hours a day, seven days a week.

IV. Initial Site Visit and Assessment

Occupants requesting MSD service for WIBs will have a customer service representative on-site within four hours, up to a maximum rate of ten requests per hour, for the first eight hours of a precipitation event, followed by a maximum rate of four requests per hour for the second eight-hour period of a precipitation event, followed by one request per hour for the third eight-hour period of a precipitation event. The rate for the second 24-hour period will be one half of the rate of the first 24-hour period. For requests received at a rate higher than those set out above, requests will be serviced in the order received as soon as practicable.

Upon arriving at the affected property, the MSD customer service representative will conduct an assessment with the occupant or property owner in an effort to determine the cause of the WIB. MSD will exercise its good faith reasonable engineering judgment to determine the cause of a WIB. This determination will be based on a consideration of a variety of factors, which can include:

- amount of precipitation;
- property WIB history;
- condition of sewer system in neighborhood;
- neighborhood WIB history;
- capacity of nearby public sewer lines;
- visual inspection of the neighborhood or property to look for evidence of overland flooding; and
- topography.

Depending on the circumstances, the determination may also be based on an inspection of the private lateral and/or inspection of nearby public lines.

If the WIB is obviously the result of overland flooding not emanating from the MSD Sewer System or the result of blockage in the occupant's lateral line, MSD will provide the owner or occupant with instructions for a safe cleanup, general preventative information, referral to the local agency responsible for overland flooding issues, and further contact information should there be questions. An example of the type of information that will be left with occupants in this situation is attached as Appendix A to this Plan. The content and form of this notice may evolve over time. Because MSD does not control overland flooding not emanating from the MSD Sewer System or control private lateral lines, MSD cannot take further action with respect to WIBs caused by such flooding.

At locations that have experienced a building backup due to inadequate capacity within the previous two years and at which MSD has not resolved the capacity issue, MSD will treat the backup as MSD's responsibility and dispense with the preliminary assessment phase of the Program. In such cases, MSD will immediately engage a contractor to proceed with cleanup of the affected building in accordance with Section V below.

At locations that have experienced building backups caused by blockages in public sewer lines, MSD will presume that the backup is MSD's responsibility and dispense with the preliminary assessment phase of the Program. In such cases, MSD will immediately engage a contractor to proceed with cleanup of the affected building in accordance with Section V below.

V. Cleanup by MSD

MSD will assist with the cleanup of the property at no charge to the occupant unless the WIB was caused by overland flow not emanating from MSD's Sewer System or a blockage in the private lateral. The determination of the cause of the WIB will be made based on the factors and assessment described in Section IV above.

The MSD customer service representative will inform the occupant of services that are available to clean up the effects of the backup and make arrangements for MSD contractors to provide such no-cost services on an expedited basis. The cleanup contractors will bill MSD directly for the services provided under this Plan.

MSD will have a cleanup contractor on-site at the affected location as soon as practicable after making arrangements with the occupant.

Specifically, the basic cleanup services to be provided by MSD's response contractors at no cost to occupants will include:

- wet vacuuming or other removal of spillage;
- mopping bare floors with cleaning solution and disinfectant;
- wiping walls with cleaning solution and disinfectant;
- flushing out and disinfecting plumbing fixtures; and
- basic carpet cleaning.

No two building backups are exactly alike. As such, MSD's response may include additional reasonably appropriate cleanup measures beyond those listed above that are appropriate to a particular situation.

In arranging to have a contractor clean up the impacts of a building backup, MSD will provide to

the affected occupant a telephone number to call with questions or complaints about the implementation of the cleanup. Such questions and/or complaints will be fielded by the MSD WIB Program Complaint Ombudsman, under the direct supervision of the MSD Director.

At the occupant's request, with the occupant's written authorization and in the occupant's presence, MSD will remove affected personal property items from the building. MSD will also arrange for any items it removes from the building to be disposed of by an authorized sanitation company at MSD's expense. MSD cannot arrange for the disposal of hazardous waste, however. Any materials damaged and removed from the building may be cataloged and photographed to document the loss.

MSD will also provide information to occupants on how to minimize future losses until system modifications can be completed to mitigate the potential for building backups caused by inadequate capacity in the Sewer System. An example of the type of information that would be provided is attached at Appendix B to this Plan. The form and content of this information sheet may evolve over time.

Prior to authorizing its contractors to begin expedited, no-cost cleanup of the effects of a basement backup, MSD's response team will review with the occupant and require the occupant to execute an access agreement that allows MSD and its contractors to enter the property and provide cleanup services.

VI. Claims Process Information

In addition, MSD's customer service representatives will provide to occupants information relating to the Water In Basement Claims Program administered by the City Solicitor's Office to pay damages to real or personal property that result from a building backup. The details of the claims process are contained in the Water In Basement Claims Program Plan found at Exhibit 8 to the Consent Decree.

An occupant's acceptance of MSD's cleanup services under this program does not constitute a release or waiver of any claims that the occupant may have against MSD for real or personal property damage caused by the basement backup. Likewise, MSD's provision of cleanup services under this program does not constitute an admission of any liability by MSD with regard to any claims that the occupant may have against MSD for real or personal property damage caused by the building backup.

EXHIBIT 7--APPENDIX A:

The following is presented as sample narrative for a customer service brochure. The content and form of the information presented may evolve over time.

Overland/Surface Water Flooding

Heavy storms can result in water in basements and other areas of buildings because of overland and surface flooding or seepage of water through wall. There is often little or no structural damage from the water, because the water inside braces the walls against the pressure of the outside water and waterlogged soil.

What should I do after the flood?

- Before entering a building, check for structural damage. Don't go in if there is any chance of the building collapsing.
- Upon entering the building, do not use matches, cigarette lighter or any other open flame since gas may be trapped inside. Instead, use a flashlight to light your way.
- Keep the power off until an electrician has inspected your system for safety.
- Flood waters can pick up sewage and chemicals from roads, farms and factories. If your home has been flooded, protect your family's health by cleaning up your house immediately; throw out foods and medicines that may have come into contact with flood water.
- Be careful walking around. After a flood, steps and floors are often slippery with mud and covered with debris, including nails and broken glass.
- Inspect foundations for cracks or other damage.
- Stay out of buildings if flood waters remain around the building.
- Do not wash mud down into the basement floor drain. Shovel mud from the basement as soon as all water has drained or has been pumped out to allow floors and walls to dry.

How and when do I pump the water out?

- Do not drain water inside the basement until most of the water on the outside of the walls has gone down. This will prevent the walls from being pushed in or the floors from heaving.
- If you have a large amount of water in your basement or if there is no basement drain, you may need to buy or rent a sump pump to get rid of the water.
- If your electrical panel is located in an area of your home that has been flooded, you will be unable to use an electric sump pump unless you use a pump driven by a 12-volt auto battery. A gasoline engine pump may be used if exhaust can be vented to the outside.

- Start pumping water out of your basement if the water inside is higher than the flood water level outside. You may need a measure to determine this.
- Stop pumping when the two water levels become equal.
- Service damaged septic tanks, cesspools, pits, and leaching systems as soon as possible. Damaged sewage systems are health hazards.

The safety of you and your family should come first.

- Turn on a battery-powered radio or television to get the latest weather forecasts and flash flood warning. Listen for warnings and emergency instructions.
- Get your preassembled emergency supplies.
- Avoid walking through any flood waters. If it is moving swiftly, even water six inches deep can sweep you off your feet.
- Protect yourself when removing water and cleaning your basement by wearing rubber boots and gloves.
- Wash clothes and other items that come into contact with the backup water with soap and water.
- Wash your hands with soap and water.

Use caution when entering the building.

- Wear sturdy shoes and use battery-powered lanterns or flashlights when examining the building.
- Examine wall, floors, doors, and windows to make sure that the building is not in danger of collapsing.
- Watch out for animals, and snakes, that may have come into your home with the flood waters. Use a stick to poke through debris.
- Flood waters may contain flammable or explosive materials coming from upstream. If you think there may be flammable or explosive materials in the structure vacate the structure and call 911.

Take pictures of the damage.

- Take pictures of the basement and other areas affected.
- Take pictures of the contents for damage and insurance claims.

Inspecting utilities.

- **Check for gas leaks** – If you smell gas or hear a blowing or hissing noise, open a window and quickly leave the building. Turn off the gas at the outside main valve if you can and call the gas company from a neighbor's home. If you turn off the gas for any reason, it must be turned back on by a professional.
- **Look for electrical system damage** – If you see sparks or broken or frayed wires, or if you smell hot insulation, turn off the electricity at the main fuse box or circuit breaker. If you have to step in water to get to the fuse box or circuit breaker, call the electric company or an electrician.

- **Check for sewage and water line damage** – If you suspect that the house's plumbing has been damaged, avoid using the toilets and call a plumber. If water pipes are damaged, contact the water company and avoid using water from the tap. You can obtain safe water by melting ice cubes.

How do I avoid shock hazards?

- Be careful before using any electric appliance in a house that has been flooded.
- Never turn on wet electric appliances because they may cause an electric shock, overheat, or start a fire.

Flood mitigation actions check list.

The following are actions that you can take to mitigate the damage caused by flooding.

- Store important documents and irreplaceable personal objects (such as photographs) where they will not get damaged.
- Elevate or relocate furnaces, hot water heaters and electrical panels above the level of potential flooding.
- Provide openings in foundation walls that allow flood waters in and out, thus avoiding structural collapse.
- For drains, toilets, and other sewer connections, install backflow valves or plugs to prevent flood waters from entering the building.
- Buy and install sump pumps with backup power.
- Move business inventory that may be flooded; reduce inventory that may be flooded, if possible elevate, relocate, and otherwise protect equipment that can be flooded.
- Throw away food – including canned goods – that has come in contact with flood waters.
- Identify stored hazardous materials or other chemicals that could be flooded; and relocated or elevate these.

Please note that cleanup from overland/surface water flooding not coming from the Metropolitan Sewer District's collection system is not the responsibility of the Metropolitan Sewer District; it is the responsibility of the property owner or resident. If you have any questions or need more information on cleanup: 1) if you live in the City of Cincinnati, you may call the City of Cincinnati Health Department staff at 357-7392 during office hours; 357-7435 after 5:00 p.m. or weekends; 2) if you live in Hamilton County, you may call the Hamilton County Board of Health at 946-7840 during office hours; 946-7878 after 4:30 p.m. or weekends.

If you have questions about the sewer system, you may contact the Wastewater Collection Division at 352-4900, between 7:30 a.m. and 4:00 p.m., Monday through Friday. If you have an emergency situation, after hours on a weekday or weekend, call 244-5500 or 911.

Source: King County (Seattle), American Red Cross, Federal Emergency Management Agency and MSD.

EXHIBIT 7--APPENDIX B:

The following is presented as sample narrative for a customer service brochure. The content and form of the information presented may evolve over time.

Water In Basements (WIBs)

Heavy storms, blockages or breakdowns in sewer pipes, and other events can cause sewage to backup into basements. The water contains sewage, even when diluted by storm water. Children and pets should be kept out of the flooded areas until the areas have been cleaned.

Sewage has the potential of carrying microorganisms, which may cause diarrhea and other diseases, such as Hepatitis A, Salmonella, and Giardia, all of which can be killed readily with household disinfectants. The sewer odors may be unpleasant, but are not harmful.

Safety First – Please use caution when entering the basement.

- Be careful walking around. Floors and steps are often slippery.
- Protect yourself when removing water and cleaning your basement by wearing rubber boots and gloves.
- Wash clothes and other items which come into contact with the backup water with soap and water.
- Wear sturdy shoes and use battery-powered lanterns or flashlights when examining the basement.
- Wash your hands with soap and water.

Inspect the area for hazards.

- Broken or leaking gas lines.
- Flooded electrical circuits.
- Submerged furnaces or electrical appliances.

Inspecting utilities for damage.

- **Check for gas leaks** – If you smell gas or hear a blowing or hissing noise, open a window and quickly leave the building. Turn off the gas at the outside main valve if you can and call the gas company from a neighbor's home. If you turn off the gas for any reason, it must be turned back on by a professional.
- **Look for electrical system damage** – If you see sparks or broken or frayed wires, or if you smell hot insulation, turn off the electricity at the main fuse box or circuit breaker. If you have to step in water to get to the fuse box or circuit breaker, call the electric company or an electrician.

Take pictures of the damage.

- Take pictures of the basement and other areas affected.
- Take pictures of the contents for damage and insurance claims.

How should I clean the basement?

- Remove silt and dirt stains by rinsing concrete walls and masonry foundation walls with a high-pressure hose.
- If stains remain on the walls, scrub them with a stiff bristle brush and household detergent. Begin at the top and work down. Rinse often with clear water.
- Start drying the basement as quickly as possible in order to minimize wood decay or growth of mold.
- Open all doors and windows to allow the moisture to flow outside.
- Buy or rent a fan or dehumidifier to speed up the drying process.
- If you are sensitive to mold or mildew, wear a mask or respirator containing an appropriate filter.
- Before removing wallboard, paneling and insulation, it is recommended that a professional cleaning contractor be consulted.

How do I clean up and get rid of odors?

- Mop concrete floor and walls with a bleach solution (three-fourths cup of household bleach to a gallon of water) or other household disinfectants.
- Rinse and dry after five minutes.
- Open windows when applying the bleach solution.
- Place a lump of dry charcoal in an open tin/metal container to absorb odors.
- **Do not use ammonia.**
- **It is important to clean thoroughly and rinse a surface before disinfecting.**
- Area should be air dried thoroughly after disinfecting.

Available cleanup service.

MSD has a cleanup program that will assist in the cleanup of the water in your basement unless the backup is caused by a blockage in a private lateral line or is the result of overland flooding not coming from MSD's sewer system. This program is at no charge to the resident.

The MSD customer service representative will provide you with specific information about the service. The customer service representative will make arrangements for MSD contractors to provide the service on an expedited basis. The cleanup contractors will bill MSD directly for the services provided under this Plan.

Specifically, the basic cleanup services to be provided by the MSD's response contractors will include:

- wet vacuuming or other removal of spillage;
- mopping bare floors with cleaning solution and disinfectant;

- wiping walls with cleaning solution and disinfectant;
- flushing out and disinfecting plumbing fixtures; and
- basic carpet cleaning.

No two basement backups are exactly alike. Additional service will be evaluated on a case by case basis.

At the resident's request and with the resident's written authorization, MSD:

- Will remove affected personal property items from the basement.
- Will also arrange for any items it removes from the basement to be disposed of by an authorized sanitation company at MSD's expense.
- MSD cannot arrange for the disposal of hazardous waste, however.

The resident should take pictures, list and describe items removed from the basement.

Prior to authorizing its contractors to begin expedited, no-cost cleanup of the effects of a basement backup, MSD's customer service representative will review with the resident the necessary access agreement required to allow MSD and its contractors to enter the property and provide cleanup services.

Claims assistance

In addition, MSD's customer service representatives will assist residents in filing claims with the City Solicitor's office for damages to real or personal property which resulted from a basement backup.

Flood mitigation actions check list.

The following are actions that you can take to mitigate the damage caused by flooding.

- Store important documents and irreplaceable personal objects (such as photographs) where they will not get damaged.
- Elevate or relocate furnaces, hot water heaters and electrical panels above the level of potential flooding.
- For drains, toilets, and other sewer connections, install backflow valves or plugs to prevent flood waters from entering the building.
- Buy and install sump pumps with backup power.
- Move business inventory that may be flooded; reduce inventory that may be flooded, if possible elevate, relocate, and otherwise protect equipment that can be flooded.
- Throw away food – including canned goods – that has come in contact with flood waters.
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Cincinnati Health Department staff at 357-7392 during office hours; 357-7435 after 5:00 p.m. or weekends; or 2) if you live in Hamilton County, you may call the Hamilton County Board of Health at 946-7840 during office hours; 946-7878 after 4:30 p.m. or weekends.

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